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PATENT

BP-86

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christoph Schwald
Serial No: 10/664,589
Filed: September 17, 2003
For: WIRELESS HEADPHONES WITH CONNECTOR SOCKET
Examiner: Andrew Wendel
Art Unit: 2618

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

S I R:

This Appeal is taken from the Office Action mailed July 31, 2007.

01/08/2008 SDENB0B3 00000030 10664589

01 FC:1402

510.00 OP

Real Party in Interest

The real party in interest in the above-identified application is:

AKG Acoustics GmbH
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Austria

Related Appeals and Interferences

There are no related appeals or interferences of which Applicant is aware regarding the above-identified application.

Status of Claims

Claims 1 to 4 are pending in the application and are subject to the present Appeal. Claims 1 and 4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowski et al. (US Patent No. 6,473,630) in view of Baranowski et al. (US Patent

Publication 2002/0067825) and further in view of Izawa et al. (US Patent Publication 2001/0013983). Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowski et al. '630 in view of Baranowski et al. '825 and further in view of Izawa et al. and further in view of Wingate (US Patent No. 6,006,115). Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowski et al. '630 in view of Baranowski et al. '825 and further in view of Izawa et al. and further in view of Adams (US Patent No. 6,594,366).

Status of Amendments After Final Rejection

No amendment in response to the Office Action dated July 31, 2007 was filed. The Appeal is properly filed because the current claims were twice rejected.

Summary of the Claimed Subject Matter

The claimed invention will now be summarized with reference to the drawings being made by way of reference numerals.

Independent Claim 1

The present invention relates to wireless headphones. As illustrated in Fig. 2 and described in paragraph 0015, the headphones comprise a storage battery 1, a connector socket for receiving a charge plug 3, 3' of an electric connection 4 into a power pack; at least one miniature loudspeaker 7; audio electronics 6 connected to the loudspeaker 7; a reception part 8 connected to the audio electronics 6 for receiving wireless signals; charging electronics 2 operative to monitor a charging process of the storage battery 1. As shown in Fig. 3 and discussed in paragraph 0017, the charging electronics 2 have a first contact within the connector socket and contact the surface areas of the charge plug when the charge plug is inserted into the connector socket. The signal plug 13 is part of an electric connection with an audio device for the transfer of signals, wherein current is supplied from the power pack to the charging electronics via the first contact when the charge plug is inserted into the connector socket. The audio device is configured to transmit a stereo signal from the audio device to at least the one miniature loudspeaker 7 wire the second contact when the signal plug is inserted into the connector socket.

Grounds of Rejection to be Reviewed on Appeal

The following ground is presented for review:

Whether claims 1 and 4 are unpatentable under 35 U.S.C. 103(a) over Baranowski et al. '630 in view of Baranowski et al. '825 and further in view of Izawa et al.

Claims 2 to 4 stand or fall with claim 1.

Argument

The Rejection of Claims 1-4 under 35 U.S.C. 103(a):

Applicant submits that the references relied on in rejecting the claims do not disclose or suggest the present invention as claimed.

The reference to Baranowski et al. '630 is directed to a wireless headset. According to the reference, charging is entirely uncoupled from the audio transmission.

With respect to the reference to Baranowski et al. '825 applicant submits that the audio transmission to a headset takes place in the reference either through a wire or wirelessly. The reference does not contain any teaching with respect to charging.

Finally, the newly cited reference to Izawa et al. '983 deals with a transmission of data, for example, from a PC to an audio reproducing apparatus. As stated in paragraph [0089], a USB connection also assumes the function of supplying energy from the PC to the audio reproducing apparatus.

Such a USB connection comprises a single connecting cable which has contacts which are simultaneously independent of each other and wires for the energy supply, on the one hand, and for the data transmission, on the other hand. Consequently, always only one USB plug of the same type can be plugged into the terminal 6.

In accordance with the present invention, on the other hand, the connector socket has the purpose of receiving different plugs. These plugs can never be plugged in at the same time. Even

tough the different plugs are plugged into the same connector socket, it is possible to carry out different functions. When the signal plug is part of a charging cable, appropriate first contact surfaces of the connector socket contact precisely the corresponding areas of the charging plug. If the plug is part of an audio cable, the corresponding second contact surfaces of the connector socket contact precisely the corresponding portions of the audio plug.

The plug system according to the present invention differs from the prior art in that, in the plugged-in state, connections to respectively different contact surfaces in the connector socket are made.

Consequently, the present invention as claimed is based on the basic concept that the connector socket can receive different plugs for different functions and can still automatically correctly operate in spite of the differences of the plugs.

Applicant respectfully submits that the comments attached to the Advisory Action show that the Examiner has not correctly applied the prior art of record. This is because Applicant

believes that the three references relied on by the Examiner do not disclose or suggest the present invention as claimed.

Applicant respectfully submits that a combination of the three references relied on by the Examiner would result in a headset with a plug connection for a cable which simultaneously transmits audio data and charges the headset. However, this is exactly where the present invention is distinguished over the prior art. This is because the present invention does not seek a simultaneous transmission of audio data and charging, but, on the contrary, either audio transmission or charging. The feature according to which the present invention is distinguished over the prior art is the fact that only a single plug is provided at the headset for different cables or cable plugs, wherein this single plug at the headset is sufficient for both functions.

Applicant respectfully submits that it would be helpful to evaluate the advantages of such a plug connection system as compared to a classic USB connection.

An advantage is the fact that a high-quality audio transmission takes place through special cable connections which

are made of a special material and in most cases have a sophisticated screening in order to reduce harmful influences from the outside. If electrical energy is supplied through the same cable simultaneously with the audio signal, an inevitable influence on the audio signals must be expected which means that its quality is reduced. Consequently, it is desired that the headset is charged only when no audio data are being heard.

The present invention simplifies the use of the headset for the user because the user does not have to make a decision into which plug a cable is to be inserted. The audio cables as well as the charging cable are inserted into the same plug. However, they can never be plugged in at the same time.

For receiving various different cable plugs, the connector socket includes appropriate first and second contact surfaces which take into account the different configurations of the plug (charging or audio transmission), so that always a correct electrical connection is effected.

Conclusion

Accordingly, in view of the above considerations, it is Applicant's position that the Examiner's rejection of claims 1 and 4 under 35 U.S.C. 103(a) is in error and should be reversed.

The amount of \$510.00 to cover the fee for filing an Appeal Brief is being charged as per attached form PTO-2038. Any additional fees or charges required at this time in connection with this application should be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,
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Dated: January 4, 2008

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on January 4, 2008.

By: 
Friedrich Kueffner

Date: January 4, 2008

Claims Appendix

1. (Previously presented) Wireless headphones, comprising: a storage battery; a connector socket for receiving a charge plug of an electric connection into a power pack; at least one miniature loudspeaker; audio electronics connected to the loudspeaker; a reception part connected to the audio electronics for receiving wireless signals; charging electronics operative to monitor a charging process of the storage battery, the charging electronics having a first contact within the connector socket and contacting the surface areas of the charge plug when the charge plug is inserted into the connector socket, the audio electronics having a second contact within the connector socket and contacting the surface areas of a signal plug when the signal plug is inserted into the connector socket, the signal plug being part of an electric connection with an audio device for the transfer of signals, wherein current is supplied from the power pack to the charging electronics via the first contact when the charge plug is inserted into the connector socket, and the audio device is configured to transmit a stereo signal from the audio device to at least

the one miniature loudspeaker via the second contact when the signal plug is inserted into the connector socket.

2. (Original) Headphones according to Claim 1, wherein the audio electronics are operative to switch off the reception part when the signal plug is inserted.
3. (Previously presented) Headphones according to Claim 1, wherein the audio electronics recognize the type of plug inserted by contacting the different electrically conducting or electrically insulating surface areas of the plugs.
4. (Original) Headphones according to claim 1, wherein the signal plug is a conventional stereo jack.

Evidence Appendix

N.A.

Related Proceedings Appendix

There are no related proceedings.